

**REMARKS**

Claims 13-38 are pending in this application. The specification and claim 13 are amended. Claims 26-38 and new Figures 5 and 6 are added.

Applicants thank Examiner Alexander for recognizing allowable subject matter in claims 19-24.

In the Office Action, the drawings were objected to based on the assertion that the handle being provided at an end of the spout support on the discharge side (claim 16) is not shown in the drawings. By this Amendment, a new Figure 5 is added showing the handle located at the discharge end of the spout support. Support for new Figure 5 is found in the specification at Paragraph 029. As a result, Applicants request that the objection be withdrawn.

In the Office Action, the drawings were objected to based on the assertion that the spout supports being displaceable vertically independent of one another (claim 22), and two guide slots (claim 23), are not shown in the drawings. By this Amendment, a new Figure 6 and a new paragraph is added showing these features. Support for new Figure 6 is found in the specification at Paragraph 018. As a result, Applicants request that the objection be withdrawn.

In the Office Action, the drawings were objected to based on the assertion that telescopic spout supports (claim 24) are not shown in the drawings. Applicants respectfully submit that telescopic spout supports are shown in Figures 2 and 4. Figure 2 shows spout support 18 in the retracted telescoping position inside of guide 32. Figure 4 shows spout support 18 in the extended telescoping position. As a result, Applicants request that the objection be withdrawn.

In the Office Action, claims 22-24 were rejected under 35 USC §112, first paragraph. The rejection is respectfully traversed.

Claim 22 was rejected based on the assertion that there is no support in the specification for support spouts which are displaced vertically independently of one

another. Applicants submit that support for support spouts which are displaced vertically independently of one another exists in the specification at Paragraph 018 and Figure 6.

Claim 23 was rejected based on the assertion that there is no support in the specification for having a guide with two slots in which a handle is connected to the spout support. Applicants submit that support for having a guide with two slots in which a handle is connected to the spout support exists in the specification at Paragraphs 019 and 030.1, and Figure 6.

Claim 24 was rejected based on the assertion that there is no support in the specification for spout supports that are telescopic. Applicants submit that support for spout supports that are telescopic exists in the specification at Paragraph 020 and Figures 2 and 4. Figure 2 shows spout support 18 in the retracted telescoping position inside of guide 32. Figure 4 shows spout support 18 in the extended telescoping position.

In light of the above, Applicants request that the rejection be withdrawn.

### **The Claimed Invention**

An exemplary embodiment of the invention, as recited by independent claim 13, is directed to a coffee machine comprising a brewing chamber provided with at least one outlet for coffee and a spout which is height-adjustable relative to the outlet and is for ejecting coffee, and an impact surface arranged upstream thereof, wherein the impact surface is arranged at a fixed distance from the coffee outlet, wherein coffee emerging from the coffee outlet hits the impact surface and wherein the coffee is passed to the spout from the impact surface.

Another exemplary embodiment of the invention, as recited by independent claim 26, is directed to a coffee machine for dispensing coffee to a coffee receptacle, the coffee machine comprising a brewing chamber, the brewing chamber having an outlet for the discharge of coffee from the brewing chamber; an impact surface located downstream from the outlet and at a fixed distance from the outlet; and a spout for discharging the coffee from the coffee machine, the spout having a discharge end from which the coffee

is discharged from the coffee machine, the discharge end being located downstream from the impact surface, the spout being adjustable to adjust a vertical distance from the impact surface to the discharge end, and the spout being adjustable to adjust a vertical distance from the discharge end to a platform on which the coffee receptacle is to be placed, wherein the impact surface is positioned vertically below the outlet to provide a surface which coffee discharged from the outlet will hit before entering the spout.

Conventional coffee machines do not have both a height-adjustable spout and an impact surface that is arranged at a fixed distance from the coffee outlet of the brewing chamber.

An object of the invention is to provide a coffee machine that has a spout that is vertically adjustable (to allow for the use of coffee cups of different heights) and still maintain a fixed distance between the outlet of the brewing chamber and the impact surface (to provide coffee of uniform quality) (see page 2, lines 13-19).

The invention addresses and solves this problem by providing a coffee machine comprising a brewing chamber provided with at least one outlet for coffee and a spout which is height-adjustable relative to the outlet and is for ejecting coffee, and an impact surface arranged upstream thereof, wherein the impact surface is arranged at a fixed distance from the coffee outlet.

### **The Dannenberg Reference**

In the Office Action, claims 13-17 and 25 were rejected under 35 U.S.C. 102(b) as being unpatentable over DE 298 10 291 (Dannenberg). Applicants respectfully traverse the rejection.

Claim 13 includes the features of a brewing chamber provided with at least one outlet for coffee and a spout which is height-adjustable relative to the outlet and is for ejecting coffee, and an impact surface arranged upstream thereof, wherein the impact surface is arranged at a fixed distance from the coffee outlet, wherein coffee emerging

from the coffee outlet hits the impact surface and wherein the coffee is passed to the spout from the impact surface.

In contrast, the office action defined impact surface of Dannenberg (horizontal surface above spouts) is not arranged at a fixed distance from the office action defined outlet of the brewing chamber (element 2). Element 5 of Dannenberg moves vertically relative to element 1, and element 2 is fixed relative to element 1. Therefore, element 5 moves relative to element 2. The office action defined impact surface of Dannenberg (horizontal surface above spouts) is a part of element 5 and, therefore moves relative to element 2.

In view of the foregoing, Applicants respectfully submit that Dannenberg does not disclose each and every feature of claims 13-17 and 25 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

#### **The Noordhuis Reference**

In the Office Action, claim 13 were rejected under 35 U.S.C. 102(c) as being unpatentable over U.S. Patent No. 7,503,254 to Noordhuis. Applicants respectfully traverse the rejection.

Claim 13 includes the features of a brewing chamber provided with at least one outlet for coffee and a spout which is height-adjustable relative to the outlet and is for ejecting coffee.

In contrast, the office action defined spout (spout 38) of Noordhuis is not height adjustable relative to the outlet of the brewing chamber.

In view of the foregoing, Applicants respectfully submit that Noordhuis does not disclose each and every feature of claim 13 and, therefore, rejection under 35 USC §102(c) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

**The Dannenberg Reference in view of the Sabo Reference**

In the Office Action, claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dannenberg in view of U.S. Patent No. 5,255,413 to Sabo. Applicants respectfully traverse the rejection.

As explained above, Dannenberg does not teach or suggest the feature of an impact surface arranged at a fixed distance from the coffee outlet, as recited by independent claim 13.

Sabo does not remedy the deficiencies of Dannenberg.

Indeed, the Examiner does not allege that Sabo teaches or suggests the feature of an impact surface arranged at a fixed distance from the coffee outlet, as recited by independent claim 13, from which claim 18 depends.

In view of the foregoing, Applicants respectfully submit that the combination of Dannenberg and Sabo does not teach or suggest the features of claim 18 and therefore rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

**New Claims**

New claims 26-38 include the features of an impact surface located downstream from the outlet and at a fixed distance from the outlet; and a spout for discharging the coffee from the coffee machine, the spout having a discharge end from which the coffee is discharged from the coffee machine, the discharge end being located downstream from the impact surface, the spout being adjustable to adjust a vertical distance from the impact surface to the discharge end.

These and other features of claims 26-38 are not taught or suggested by the applied references.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 13-38 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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November 13, 2009

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